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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by:** MARY GRIER (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

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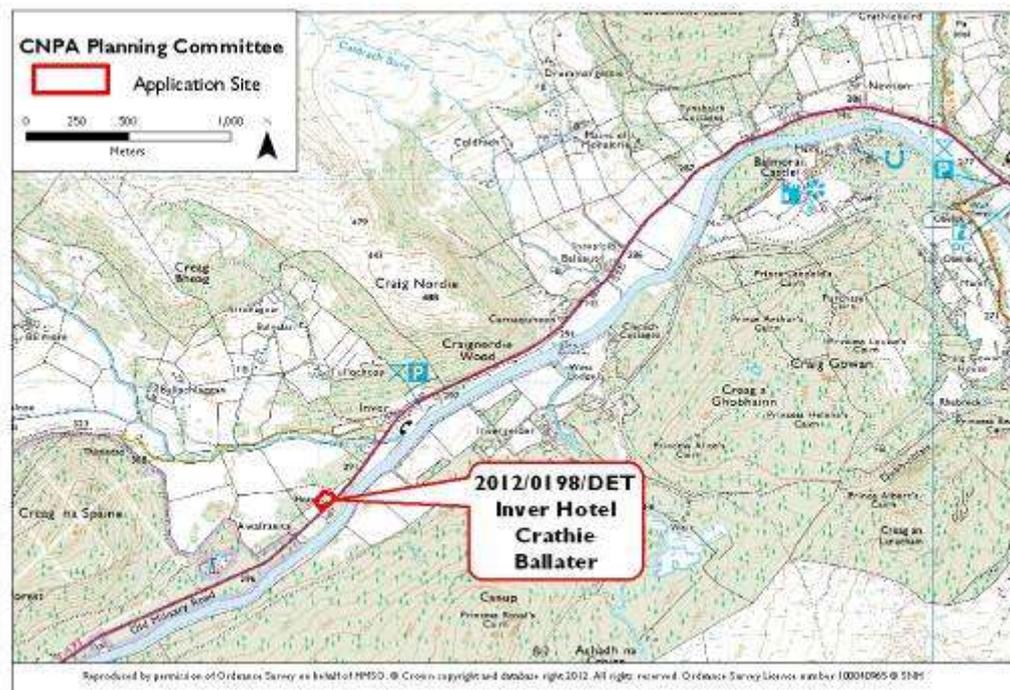
**DEVELOPMENT PROPOSED:** PLANNING PERMISSION FOR THE ERECTION OF 5 NO. HOLIDAY LODGES AT THE INVER HOTEL, CRATHIE, BALLATER

**REFERENCE:** 2012/0198/DET

**APPLICANT:** MR. AND MRS. SNELL C/O STEWART ANDERSON, BALLATER

**DATE CALLED-IN:** 22 JUNE 2012

**RECOMMENDATION :** APPROVE WITH CONDITIONS



Grid reference :323032 793421

Fig. 1 - Location Plan

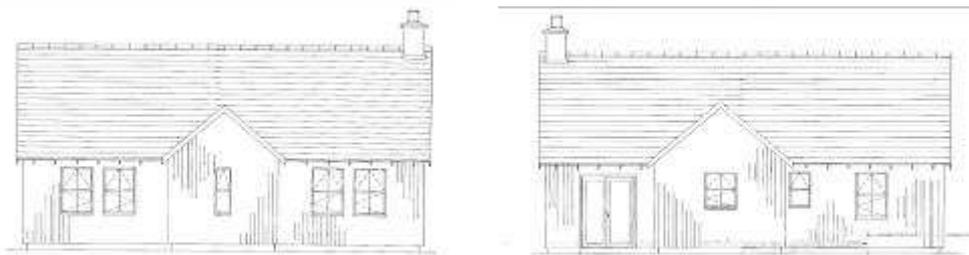
## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the erection of 5 holiday lodges on land at the Inver Hotel at Crathie, which is located on the A93 public road between Ballater and Braemar. The overall site area extends to 0.468 hectares and includes the existing Inver Hotel and its associated car parking and garden grounds. The hotel building is located close to the roadside in the south western area of the site. The existing access is centrally positioned immediately adjacent to the eastern gable of the hotel building, and leads into the current car parking area which is to the rear of the hotel. A small lawned garden area is located on the western side of the hotel, while a larger green space is located to the east of the access. A number of timber outbuildings and a storage container are in existence in the north eastern area of the site, but are generally screened from the public road due to the presence of a number of mature conifers and a timber fence to the rear of this. A static caravan is also located on the north western corner of the site.



**Fig. 2 : Inver Hotel and surrounding grounds**

2. The five proposed lodges are single storey detached structures, all of which are proposed to have a timber clad external finish and grey slated roofs. Windows and doors would be timber (stained brown). Unit no's 1, 2, 3 and 4 are all identical in design and internal layout. The floor plan for each of those units includes an entrance porch with a drying cupboard, an open plan lounge / dining / kitchen area, two bedrooms and a bathroom. Unit no. 5 is similar in design, although larger and more elongated, with a higher ridge height and also incorporating small velux windows in the front and rear roof. The two bedrooms in unit no. 5 are larger than in the other properties and one bedroom would also benefit from en suite facilities.



**Fig 3 : Front and rear elevations (lodge no's 1-4)**

3. A detached store is also proposed on the site. It would be positioned between the rear of the hotel and unit no. 5 in the western area of the site. The store is a rectangular footprint, of pitched roof design and incorporating double doors on the front elevation. The finishes (timber and slate) are consistent with those proposed on the holiday lodges. The five individual lodges are proposed to be positioned around the eastern and northern / north western periphery of the overall site. Unit numbers 1 and 2 are proposed in the currently open lawned area of the site, which is at a marginally higher ground level than the road. Unit numbers 3 and 4 would be positioned towards the rear of the site and the existing sheds would be demolished to facilitate this. A number of existing miscellaneous items would also be removed, including an existing water tank, gas tank and oil tank.<sup>1</sup> Unit number 5 is proposed in the north western corner of the site, in the location on which a static caravan is currently sited.



Fig. 4 : Front and rear elevations, Unit No. 5

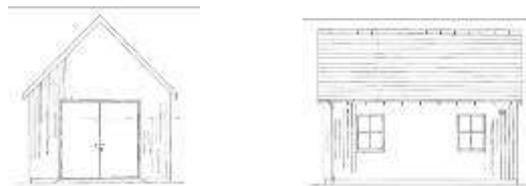


Fig. 5 : Front and side elevations – storage shed

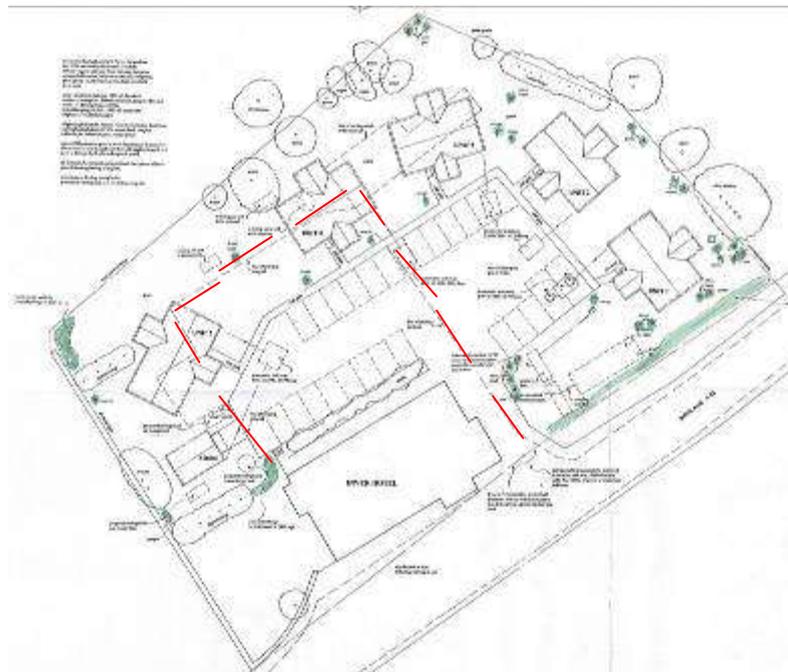


Fig. 6 : Proposed site layout

<sup>1</sup> An new underground oil storage is identified to be located in an alternative area of the site.

4. The development is proposed to connect to the existing water supply on the site. A new septic tank<sup>2</sup> is proposed and would be located in the existing open lawn area immediately to the west of the access into the site. Each of the proposed lodges would have a wood burning stove in the living area.
5. In addition to the development of the lodges and store, the site plan also identifies various works that would be undertaken to provide adequate car parking provision on site. The extent of the existing car parking is denoted by the dotted line shown in red on Figure 4 above. It is currently a hard surfaced open area, lacking in any definition of car parking bays. Application documentation suggests that it currently accommodates 20 car parking spaces. The new site layout would facilitate a revised configuration of the car parking area eastwards into part of the existing green space. A total of 26 car parking bays are identified, including two dedicated disabled access spaces, to be available collectively for hotel and holiday lodge users. A 'slab path' is identified to run around the eastern and northern perimeter of the car park, of which small sections of individual paths would lead to the front entrances of each of the lodges.
6. A basic landscaping plan has been submitted in support of the development proposal. It identifies the retention of the existing post and wire fence on the eastern and northern site boundaries. A band of planting is proposed along the roadside boundary to the east of the hotel. The plants identified in this area are low shrubs and primarily include a mix of heather and juniper. A number of individual aspen, birch, rowan and yew trees are proposed to be interspersed around the grassed areas surrounding the lodges. The landscape plan also identifies existing vegetation on the site that would be retained. This includes existing cypress hedging in the western area of the site and also individual aspen trees in the northern area, to the rear of the proposed position of lodge numbers 3 and 4.



**Fig. 7 : Lawned area to accommodate Units 1 and 2**



**Fig. 8 : Unit 3 to replace sheds**

### **Background to the current application**

7. Given that the subject site has the benefit of a planning consent for a dwelling house and four holiday lodges, where some minor works have already been undertaken to constitute the start of works, the rationale behind the current

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<sup>2</sup> The site plan identifies the proposed use of a wastewater treatment plan (Balmoral Hydroclear HC30).

application was investigated with the applicants. The existing consent was sought by the previous owner of the Inver Hotel, and as part of the planning process, that applicant entered into a Section 75 legal agreement (details of which will be explained in following sections of this report). The current applicants purchased the hotel some time after and have been operating it for a number of years. They have confirmed that all of the five units proposed are for self catering holiday lodges. They have also confirmed that the hotel and the lodges would be operated under the same management. However, they “wish to avoid a Section 75 as it will be impossible to obtain funding for the development if it is linked to the Hotel.”

### On-site planning history

8. Planning permission was granted by Aberdeenshire Council in 1998 for 5 self catering lodges on the subject site.<sup>3</sup> Conditions were imposed restricting the occupancy of the lodges to recreational / vocational purposes only. It was also stipulated that the lodges could not be disposed separately or collectively from the hotel and that they remain in the same ownership and control as the hotel, as an ancillary facility. The permission was not implemented and it expired in July 2003.
9. Planning permission was sought in July 2004 for the development of 4 holiday lodges and a dwelling house on the site. The application was called-in by the CNPA (CNPA ref. no. 04/374/CP refers). The Planning Committee resolved to grant planning permission in March 2005, subject to the completion of a Section 75 legal agreement. The agreement included three stipulations – (i) restricting the occupancy of the dwelling house to a person working full time in the adjacent Inver Hotel business; (ii) restricting the use and occupancy of the 4 holiday lodges for holiday purposes only; and (iii) a requirement to retain both the dwelling house and the holiday lodges collectively in the ownership of the Inver Hotel in perpetuity. The Section 75 legal agreement was completed in May 2005 and the decision was issued soon after.

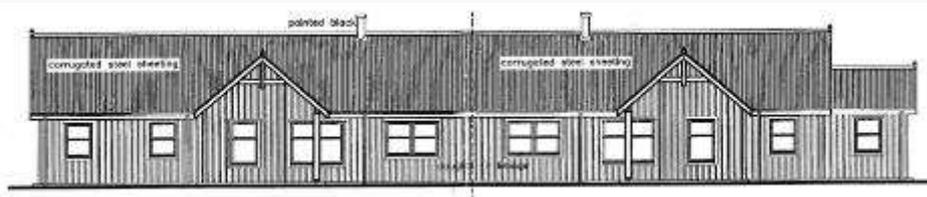


Fig. 9 : Approved semi detached holiday lodges



Fig.10 : Approved dwelling house

<sup>3</sup> Aberdeenshire Council ref. no. S980083PF refers.

10. The 4 holiday lodges permitted in 2005 were arranged in 2 pairs of semi detached units, of single storey design and proposed to have a vertical timber clad finish, with corrugated steel sheeting on the pitched roofs. The approved dwellinghouse had the appearance of a conventional residential property, being a one and half storey dormer design, with a single storey sunroom on one gable end and a domestic garage on the other gable. External finishes were primarily a wet harl on the main walls of the building, with timber linings on the garage and entrance porch. A natural slate roof finish was proposed. The purpose of the new house was to provide residential accommodation for the head chef at the hotel.

## DEVELOPMENT PLAN CONTEXT

### National Policy

11. **Scottish Planning Policy<sup>4</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
12. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
13. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
14. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic

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<sup>4</sup> February 2010

development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

15. Economic development : Planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. The planning system is expected to support development which will provide new employment opportunities. SPP also recognises, in paragraph 48, that high environmental quality can be an important component in attracting investment into an area which in turn can provide important economic opportunities. Consequently planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality, and should also promote and support opportunities for environmental enhancement and regeneration.
16. Rural Development : SPP notes that the planning system has a significant role to play in supporting sustainable economic growth in rural areas. The aim however is "not to see small settlements lose their identity" but "to maintain and improve the viability of communities and to support rural businesses." All new development is expected to respond to the specific local character of the location and fit in the landscape. High design and environmental standards are also expected to be achieved, particularly in relation to energy efficiency.
17. Landscape and natural heritage : The Scottish Planning Policy document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
18. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan (2012)**

19. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set

out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

20. A number of policy priorities have been identified to help deliver each of the outcomes. Policies to support the creation of a sustainable economy are of particular relevance to the current development proposal. Policy 1.1 for example seeks to grow the economy of the Park through encouraging the growth of business sectors that draw on the special qualities of the Park and broadening the economic base of the Park into sectors such as creative industries. Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are also of relevance to the current proposal. Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements. The Plan sets out a number of means by which policy 2.8 can be achieved, including enabling new development which contributes positively to a sense of place; promoting a high standard of sustainable design, energy efficiency, sustainably sourced materials and construction in new development; and supporting the retention and enhancement of the local character.

### **Structure Plan Policy**

#### **North East Scotland Together – Aberdeen and Aberdeenshire Structure Plan 2001 - 2016**

21. The Structure Plan’s vision is the development of a sustainable community. Achieving this is based firmly on the principles of
- responsible management of natural, built and community resources;
  - fairness in allocation of these resources between competing demands; and
  - the need to benefit both existing and future generations.
22. Section 2.27 of the Plan focuses on Tourism. It identifies a need to draw more tourists to the North East and notes that there is potential to expand its market. Policy 6 (Tourism) states that “tourism and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment.”

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

23. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>

24. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The policies and settlement proposals in the Plan are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
25. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
26. Policy 16 – Design Standards for Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
  - use materials and landscaping that will complement the setting of the development;
  - demonstrate sustainable use of resources; and
  - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.
27. Policy 18 – Developer contributions : development which gives rise to the need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution towards the additional costs or requirements.
28. Policy 25 – Business Development : proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area and supports or extends an existing business. Part C of the policy sets out the criteria for 'Other business opportunities' and where business development would be considered favourably if it
- (a) Supports the vitality and viability of a farm, croft or other business in a rural location; or
  - (b) Is complementary to that current rural business activity; or
  - (c) Promotes diversification within that business; or

(d) Creates new small scale development which supports the local economy.

29. *Policy 33 – Tourism related development* : the policy supports tourism related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure, provided that they do not have adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the Cairngorms National Park.

### **Supplementary Planning Guidance**

30. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

### **Sustainable Design Guide**

31. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
32. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

### **Developer Contributions SPG**

33. The Supplementary Planning Guidance on **Developer Contributions** sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

### **CONSULTATIONS**

34. *Aberdeenshire Council Roads* : the consultation response from the Roads department recommends that a number of conditions are attached in the event of planning permission being granted. The recommended conditions pertain to the achievement of adequate visibility splays (2.4 metres x 215m to be formed on either side of the junction of the vehicular access), and surface dressing and gradient requirements on the first 5 metres of the driveway.

35. **Aberdeenshire Council Environmental Health Officer** : The proposal has been considered in the context of water supply, air quality and contaminated land. The comments primarily relate to water supply. It is noted that it is proposed to use an existing private water supply and as such there is a requirement to ensure that the volume of water will be adequate to serve the proposals at no detriment to existing users. In terms of water quality, it is recommended in the event that planning permission is granted that a condition is attached requiring conformity with the Private Water Supplies (Scotland) Regulations 2006.
36. **Planning Gain** : The development proposal has been assessed by Planning Gain officials and it is recommended that developer contributions are required towards environmental and access improvements.
37. **Ballater and Crathie Community Council** : The Community Council object to the proposal and raise a number of points –
- Overdevelopment concerns, suggesting that it adds significantly to the area of the original site and exceeds limitations set out in Policy 21<sup>5</sup> of the Local Plan;
  - The proposal does not satisfy the conditions of Policy 22<sup>6</sup> of the Local Plan;
  - Notwithstanding the stated use, the proposal “looks like 5 new dwellings” and reference is made in particular to Unit No. 5;
  - Questioning the claim that none of the land relates to an agricultural holding, and noting that animals used to graze there; and
  - The possibility that the site may be of some archaeological significance.
38. Notwithstanding the points of objection raised in the response from Ballater and Crathie Community Council, the submission requests that two further points are considered in the event of consideration being given to granting planning permission. The first point raised is that one of the holiday lodges should be suitable in all forms for people with disabilities; and secondly it is suggested that stringent limitations are applied to ensure that the holiday lodges do not become permanent residences.
39. **CNPA Landscape** : The Landscape Officer notes that the five proposed units will create a focus of built development in an area that is characterised by sporadic and sparse built development. However, this is not considered problematic, as the Landscape Officer also comments on the fact that the land at the rear of the hotel is characterised by various sheds and a cleared site, and it is considered that the proposed development has the potential to offer some enhancement. Suggested measures to enhance the area include the introduction of a low dry stone dyke along the front boundary to the east of the hotel, in conjunction with scattered landscaping.<sup>7</sup> This would have the

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<sup>5</sup> Policy 21 – Housing Development in Rural Groups.

<sup>6</sup> Policy 22 – Housing Development outside Settlements.

<sup>7</sup> The Landscape Officer notes that roadside cottages and buildings in the area are generally defined by low walls / dykes / hedges.

benefit of providing greater definition of the built and garden ground and would frame the access to the site. All of this is considered to be a positive means of enhancing the landscape experience of users of the A93 public road.

40. On the subject of siting and design, the Landscape Officer notes that the design of the units and the external materials are appropriate for the site. In addition, the five holiday lodges are proposed in positions which are well suited to benefit from passive solar gain. In order to benefit from solar gain, there is a recognised need to avoid dense planting around the south / south west elevations. Nonetheless, the need to ensure a degree of privacy between units, as well as to break up the collective mass of buildings on the site should also be considered. In order to reconcile all of those issues, the introduction of some additional planting between units is recommended, consisting of species such as silver birch, juniper, rowan and holly, where such groups of trees could be managed over time and thinned as necessary.

## REPRESENTATIONS

41. Two letters of representation have been received in respect of the development proposal. Mr. Martin Ashdown of Crathie objects to the proposal on four grounds. It is suggested that the proposal “appears not to comply with Policy Hou\4 Part 1”<sup>8</sup>; that it is a relatively large development and the layout will result in the units becoming the dominant feature in the overall complex; building new units in a relatively undeveloped rural area has the potential to set a “bad” precedent; and the building of units on undeveloped rural land is not sustainable.
42. The representation from the Deeside Access Panel suggests that the proposed chalets are not accessible and that one chalet should be made accessible – unit no. 5 is suggested by the representees as being the most suitable as it is the largest unit. It is also recommended that identified disabled parking bays are provided. Reference is also made in the submission to the spending power of UK wide disabled people and it is suggested in light of this that it is good business sense to address accessibility issues for this significant market sector.

## APPRAISAL

43. Reference has been made in foregoing sections of this report to the history of planning permission on this site for self catering tourist accommodation, and also the fact that a small element of work has been undertaken on the site which constitutes a start of work of the most recent consent. That permission therefore remains valid and should the applicants wish, they could choose to pursue the development of that consent. The principle of self catering tourist accommodation has therefore been established and remains applicable at the subject site. Nonetheless, as this is an application for detailed planning

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<sup>8</sup> Policy Hou\4 pertains to “New Housing in the Countryside including the Aberdeenshire part of the Cairngorms National Park” as detailed in the Aberdeenshire Local Plan (June 2006). That plan is no longer in effect in the National Park, having been superseded by the adoption of the Cairngorms National Park Local Plan (2010) in October 2010.

permission and is not simply a variation of the earlier consent, it is necessary to consider the proposal on its merits, and this includes considering it in the context of current planning policy, and also assessing the specific design and landscape issues arising from the proposal.

### **Planning Policy**

44. Current planning policy has been detailed in paragraphs 11 to 34. The previous consent, which dates from 2004, was determined in accordance with the Finalised Aberdeenshire Local Plan (2002). The proposal was also considered in the context of Scottish Planning Policy 15 (Planning for Rural Development). A different suite of policies are now in effect, with Scottish Planning Policy (2010) consolidating subject matter and policies, and the Cairngorms National Park Local Plan (2010) also being adopted in October 2010. Despite the change in policies applicable to a proposal of this nature, national level policies through to local plan policies all continue to support the principle of tourist accommodation provision on the site.
45. Scottish Planning Policy is strongly supportive of sustainable economic growth. This is also evident in specific policies on 'economic development' and 'rural development.' In addition those policies also convey strong expectations that new developments achieve high design and environmental standards and promote environmental enhancement. The Cairngorms National Park Local Plan further reflects such sentiments, with policies 25 and 33 (Business Development and Tourism related development respectively) being favourable towards economic development. The Plan also expects that developments comply with Policy 6 (Landscape) where it would complement and enhance the landscape character of the Park and Policy 16 (Design Standards for Development) which requires all proposals to include the principles of sustainable development.
46. The development of five holiday lodges within the grounds of the Inver Hotel would diversify the range of tourist accommodation available on the site. Given the location of the proposed new units within the confines of the already developed site, and their proximate relationship to the existing hotel, the introduction of the new units would not result in adverse impacts on the landscape and built or historic environment. In terms of developing a self catering business at the subject site, it accords with Policy 25 (c) (Business Development) as it would complement the existing tourism product in the Inver Hotel and is a form of diversification of that business.



**Figs 11 and 12 : existing condition of the site**

### **Siting and Design**

47. The proposed siting and design of five holiday lodges has been detailed in paragraphs 1 to 6 of the report. The position of the detached lodges on the site is acceptable. Their proposed siting follows the general pattern that was previously approved for the development of 4 lodges and a single dwelling house in 2004. The siting of the proposed units in the eastern and northern periphery of the site is an efficient use of space, which would allow the continued use of the existing access point to serve the lodges and the hotel, and also allows for a consolidation and improvement of car parking provision in a central position in the overall site. Favourable comment has been made by the CNPA Landscape Officer in respect of the proposed orientation of the units and the solar gain benefits that would accrue. The general design (being single storey, of limited scale and utilising appropriate external finishes) is acceptable in the proposed location. It could also be considered that the detached units offer a better visual solution on the site than the previous semi detached lodges. The semi-detached configuration would have introduced an elongated building form, which could have been quite prominent, in contrast to the detached designs and modest footprints of the currently proposed units. Potential also exists for further enhancement of the development site by the introduction of more landscaping than currently proposed on the submitted plan.

### **Consultee and representee concerns**

48. Reference has been made in the consultation response from Ballater and Crathie Community Council to concerns that the proposed units look like “5 new dwellings” with Unit 5 being mentioned in particular in this regard. The elevation plans originally submitted included annotations referring to an external finish of timber cladding but the finish was not reflected on the drawings. This may have resulted in a view being formed that the proposed units had the appearance of conventional dwelling houses. In terms of Unit no. 5, this perception may have been further exacerbated by the fact that the design included an attached garage. The applicants have since submitted revised drawings, clearly showing the proposed use of timber cladding on all of the units. In addition, the garage has been removed from unit no. 5 and a separate storage unit is now proposed to serve the business.
49. The perception of the proposed units being permanent residential properties is clearly an issue of concern which was expressed in both the Community Council consultation response and also in a letter of representation received from a local resident. Both submissions suggest that the proposal is inconsistent with policies on housing in the countryside, although the representees references pertain to Aberdeenshire Local Plan which is no longer applicable to the area.
50. In considering the points raised in the submissions, it is necessary to recognise a number of facts. The official description of the development proposal clearly refers to the development of five holiday lodges and as detailed in paragraph 7, the applicants have confirmed that that all five units are for self catering holiday lodges and that they would be operated under the same management as the existing hotel. Consistent with the approach taken in determining other

proposals for self catering tourist accommodation facilities, the use of the lodges exclusively for the stated tourism purpose would be controlled through the use of an appropriate condition. It is also appropriate (and again consistent with other similar proposals in the past) to use planning conditions to ensure that the lodges remain associated with the existing business and that both aspects are operated as a single entity, and that the lodges cannot be sold separately (either as a group of lodges or on an individual basis) from the existing business.

51. Given the specific nature of the proposal for self catering tourist accommodation, and not for residential development, it would be inappropriate to assess the proposal in the context of housing policies. The proposal has been considered in the context of relevant policies pertaining to business development and tourism related development and it has been satisfactorily demonstrated that it complies with the policies.

### **Conclusion**

52. The proposal for the provision of five self catering holiday lodges and a storage building at an existing commercial site is acceptable. The proposal accords with planning policy, it would contribute towards the achievement of the aims of the National Park, would assist in delivering the outcomes identified in the Cairngorms National Park Partnership Plan and it would also offer some potential to enhance some areas of the site from its current conditions.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

53. There are no natural heritage designations affecting the subject site. The development is proposed on land associated with the existing hotel and could be considered to constitute a brownfield area, which includes the car parking area and a number of existing structures such as sheds, fuel tanks etc.. Subject to the provision of appropriate landscaping, the development proposal has the potential to enhance the general condition of the site.

### **Promote Sustainable Use of Natural Resources**

54. Timber is the predominant material proposed in the development. It is a sustainable natural resource and could potentially be sourced relatively locally. In addition, wood burning stoves are proposed as a principle heat source in each of the holiday lodges.

### **Promote Understanding and Enjoyment of the Area**

55. The provision of self catering holiday lodges on the subject site would complement the existing hotel facility, and would provide an alternative form of holiday accommodation for patrons of the existing facility. Although the development would be unlikely to assist in promoting the understanding and enjoyment of the area by the wider general public, it would also not detract from this.

**Promote Sustainable Economic and Social Development of the Area**

56. The addition of an alternative form of tourist accommodation at the site would be likely to appeal to a wider market and could potentially attract increased visitor numbers. The development would therefore be of benefit to the economic development of the area.

**RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT planning permission for the erection of 5 no. holiday lodges at the Inver Hotel, Crathie, Ballater, subject to:**

- (a) the completion of a **Section 75 Planning Obligation** to secure the payment of developer contributions towards environmental and access improvements **OR** the payment of the required developer contributions in advance of the release of the decision notice;

**AND**

- (b) subject to the following conditions :

1. The development to which this permission relates must be commenced within three years from the date of this permission.

**Reason** : To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The five holiday lodges shall only be used as short term tourist accommodation. The holiday lodge development shall be retained and operated in conjunction with the Inver Hotel as a single commercial entity. The holiday lodges shall not be sold separately or be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. No single period of occupation shall exceed two months in any calendar year unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority. Occupation shall be restricted to use by persons requiring to stay in the area for recreational purposes.

**Reason** : To ensure that in accordance with the social and economic development aim of the Cairngorms National Park that the units are used for commercial purposes in connection the operation of tourist facility.

3. The following roads related works shall be undertaken:
- (a) Prior to the commencement of any other development on the site, visibility splays measuring 2.4 metres by 215 metres shall be formed at either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level;
- (b) Prior to the first occupancy of any holiday lodge, the first 10 metres

- of driveway (measured from the edge of the road) shall be fully paved;
- (c) Prior to the first occupancy of any holiday lodge, off street parking shall be provided within the site for 27 cars, and including a minimum of 2 designated disabled parking bays. The car parking area shall be surfaced in hard standing materials; and
  - (d) Prior to the first occupancy of any holiday lodge, a suitable vehicle turning area, measuring not less than 7.6m x 7.6m must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in forward gear.

**Reason** : In the interests of traffic safety.

- 4. Prior to the commencement of the development elevation drawings shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show the incorporation of bat roosting and bird nesting opportunities in the proposed designs. A minimum of one bat box shall be incorporated into the design of each of the holiday lodges.

**Reason** : in the interests of enhancing the natural heritage aspects of the area.

- 5. Prior to the commencement of development the following details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority :
  - (a) a revised comprehensive landscaping plan specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. The landscaping plan shall include the provision of additional planting between each of the holiday lodges;
  - (b) Proposals for the provision of a low level drystone dyke and associated hedging along the front boundary of the site in the area to the east of the existing hotel building and site access;
  - (c) Details of all surface treatments for pathways and car parking areas; and
  - (d) A maintenance programme shall also be submitted in conjunction with the landscaping plan.

All landscaping and infrastructure measures shall be carried out in accordance with the agreed details and shall be completed prior to the first occupation of any of the holiday lodges. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

**Reason** : in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 6. Prior to the commencement of development, details shall be provided for the written agreement of the Cairngorms National Park Authority, acting as Planning Authority, in consultation with Aberdeenshire Council's Environmental Health section, to confirm that the volume of water available in the existing private water supply will be adequate to serve the development at no detriment to existing users.

**Reason** : in the interests of public health.

7. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

**Reason** : in the interests of visual amenity.

**Advice notes :**

- (a) Adequate provision should be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa;
- (b) An application for a Road Excavation Permit must be submitted to Aberdeenshire Council's Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a permit is an offence in terms of S56 of the Roads (Scotland) Act 1984;
- (c) Adequate precautions shall be undertaken to protect any Statutory Undertaker's plant which may be affected by the works / development.
- (d) The applicants / agent are advised to discuss the landscaping measures required in Condition no. 5 with the CNPA's Landscape Officer prior to the submission of proposals for agreement. Species to be included within the roadside hedge, adjacent to the required drystone dyke include rowan, birch, juniper and / or a combination of beech / holly. Species to be included in the planted areas between units include silver birch, juniper, rowan and holly.
- (e) Details required in order to fulfil the requirements of condition no. 6 include information on all users (including the full postal address of each property drawing water from the supply) and uses of the supply, whether for commercial, domestic or agricultural use. For the avoidance of doubt, the quantity of water to be gauged is that which feeds the principal reservoir (or cistern, holding tank etc.). Measuring water at a tap on the distribution pipework is not a sufficient measure. Further details on the requirements can be discussed with the Private Water Supply section of Aberdeenshire Council's Environmental Health team on 01467 628135.
- (f) In terms of water quality, the development should achieve conformity with The Private Water Supplies (Scotland) Regulations 2006, prior to occupancy of the proposals. In the interests of public health, the applicant should ensure that water serving the development is subject to ultraviolet light treatment (or other such equivalent treatment) prior to occupation.

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